

**CITY OF SUNNYVALE
REPORT
Planning Commission**

August 22, 2005

SUBJECT: **2005-0625 – Tasman Morse Partners** [Applicant] **Berg Family Partners, LP** [Owner]: Application for related proposals on a two parcel 3.7 acre site located at **405 Tasman Drive and 1122 Morse Avenue** in a R-4/P-D (High-Density Residential/Planned Development) and MS/ITR/R-3/P-D (Manufacturing and Service/Industrial to Residential/Medium-Density Residential Planned Development) Zoning Districts.

Motion **Special Development Permit** to allow the construction of 72 townhomes, and

Motion **Tentative Map** to subdivide two lots into 10 lots for condominium purposes and two common lots.

REPORT IN BRIEF

Existing Site Conditions Each parcel has a one-story industrial building

Surrounding Land Uses

North Hindu Temple

South Office/Industrial

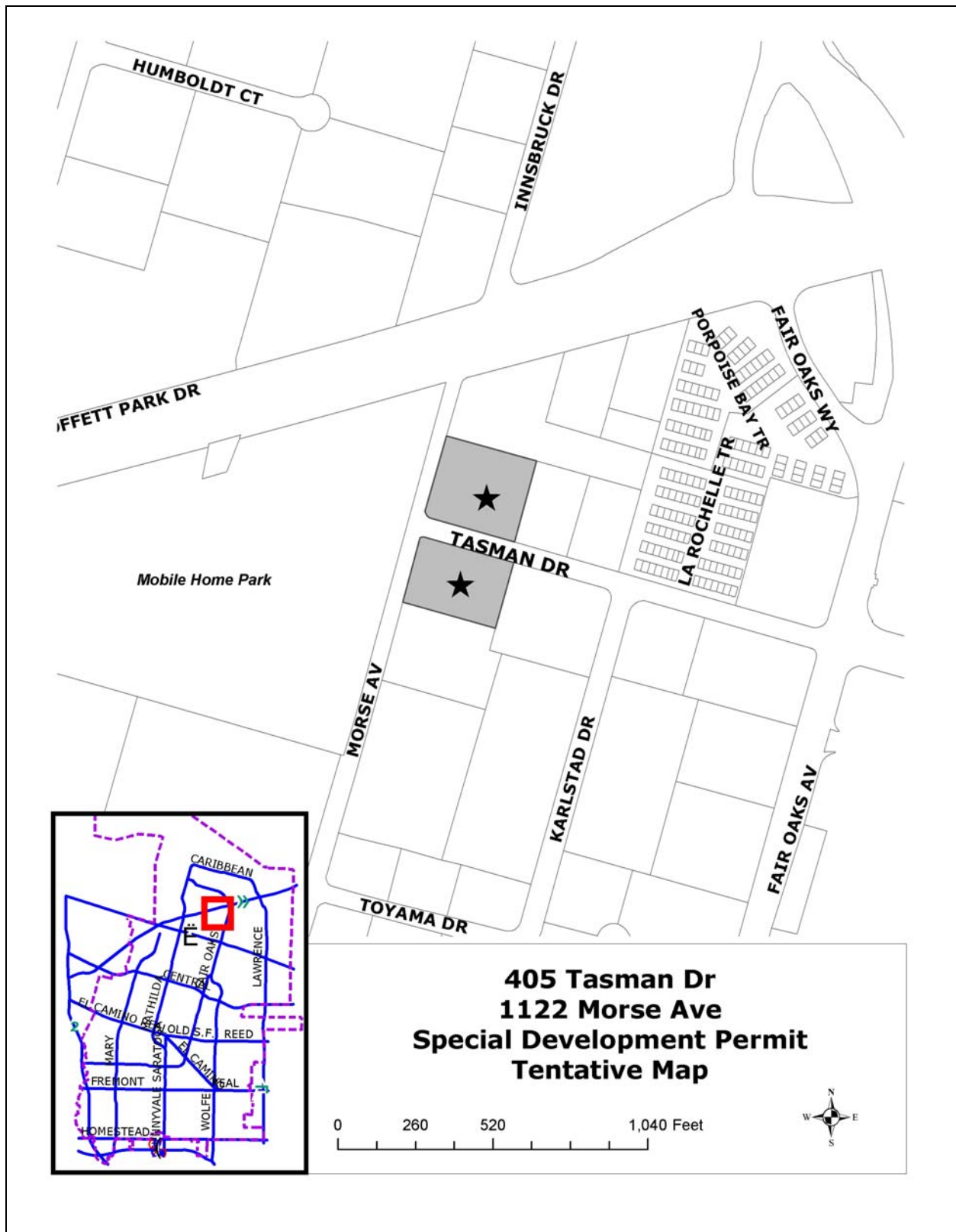
East Industrial

West Residential Mobile Home Park

Issues Sidewalks, Open Space, Architecture, Density

Environmental Status A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with conditions



PROJECT DATA TABLE

The *Required/Permitted* column is a blend of the R-3 and R-4 standards when they differ.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	ITR and High Density	Same	ITR Industrial to Residential and High Density
Zoning District	M-S/ITR/R-3/PD and R-4/PD	Same	R-3/PD R-4/PD
Lot Size	Total 3.7 acres North Parcel 1.94 South Parcel 1.685	Same	8,000 s.f. min.
Gross Floor Area (s.f.)	53,550	90,400	N/A
Lot Coverage (%)	34	49	40 max.
Floor Area Ratio (FAR)	34	101	N/A
No. of Units	N/A	72	109 max.
Below Market Rate Units	N/A	9	12.5%
Density (units/acre)	N/A	19.86	29.45 max.
Meets 75% min?	N/A	No	22.65 min.
Bedrooms/Unit	N/A	29 -2 beds 43 -3 beds	---
Unit Sizes (s.f.)	N/A	2,201 avg. gross Plan 1 living 1,354 Plan 2 living 1,460 Plan 3 living 1,651	N/A
Lockable Storage/Unit	N/A	300 (within garage)	300 cu. ft. min.
No. of Buildings	1	11	---
Distance Between Buildings	N/A	20	23 min. 2nd story
Building Height (ft.)	15-22	44 4 feet grading, 40 feet building	30 R-3; 55 R-4 max.
No. of Stories	1	2.5	2 max.
Setbacks			
Front (Tasman)	South 24 North 25	South 11 to porch Avg. 17 to façade North 8 to facade	15 min 20 avg.
Front (Morse)	South 77 North 25	South 11 to porch Avg. 18 to facade North 12 porch Avg. 18 to facade	15 min 20 avg.
Right Side (East Prop)	South 70 North 120	South 14 North 50	9 min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Rear	South 53 North 70	South 14 North 14	20 min.
Landscaping (sq. ft.)			
Total Landscaping	30,000	38,943	32,234 min.
Landscaping/Unit	N/A	540	398 min.
Usable Open Space/Unit	N/A	380	380 min.
Frontage Width (ft.)	25	10	15 min.
Parking			
Total Spaces	197	186	178 min.
Standard Spaces	N/A	26	18 min.
Compact Spaces/ % of Total	N/A	13	13 max.
Accessible Spaces	N/A	2	2 min.
Covered Spaces	N/A	144	144 min.
Guest Spaces	N/A	South 19 North 22	...
Aisle Width (ft.)	N/A	24-26	24 min.
Bicycle Parking	N/A	within garages	Guideline 24 secure 5 guest
Stormwater			
Impervious Surface Area (s.f.)	128,679	118,925	Group 1 Project > 43,560
Impervious Surface (%)	81.5	75.3	...

Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The development is a combined project of two parcels split by Tasman Drive. The north parcel is zoned R-4/PD and the southern parcel is zoned as ITR/R-3/PD for residential development. The project includes 72 townhome units within a condominium ownership pattern. The project has the same building type for each portion of the site and distributes parking and open space onto each side as well. Within the proposed arrangement the applicant intends to meet their 10% accessible unit requirements of Senate Bill 1025 with the units primarily located around the common area on the north parcel.

The applicant has blended the project across the two parcels in an attempt to address the density issues of the underlying zoning. The R-4 portion of the site does not meet the minimum density requirements as a stand-alone parcel. As a blended project the density meets the minimum standards for the zoning

districts, but is not able to attain the 75% policy of the housing element. The 72-unit project is 10 units below the 82-unit policy for density. The project achieves an overall density of 19.86 units per acres where 22.65 units per acre is the 75% of maximum density policy for minimum density.

The applicant has addressed the issue of density within their project description and justifications (Attachment F). Due to the site planning issues of the northern parcel that include limited size with an inability to aggregate additional property along with the restriction of a 10-foot no structure easement along the east property line the site did not lend itself to providing for a high-density housing product that would require underground parking. In addition to the site planning constraints, the applicant contends a related company project by Sobrato for a new apartment development in 2004 to the south of the site provided additional density for the area that was not originally contemplated within the area. The R-4 density Sobrato apartments more than make up for the 10 units not included in the proposed project. Due to the site constraints and the inability to assemble property abutting the site, staff supports the applicant's proposed density.

Background

The existing buildings were constructed in 1976 as office and industrial buildings. The subject site was designated for residential development as part of ITR Site 7 by the Futures Study approved in 1993.

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project with mitigation would not create any significant environmental impacts (see Attachment C, Initial Study). The required mitigation addresses potential noise impacts generated from road noise. The mitigation includes mechanical ventilation requirements which and are identified specifically in COA #2A. Staff has also included recommended COA #2B that the applicant provide a minimum of an STC 29 rated windows for the units along the public street frontages and the northern most row of units nearest Highway 237. Staff has included this recommended condition based on experience with other acoustical analysis of similar noise environments to provide additional assurance the units have acceptable interior noise levels along the roadways.

Special Development Permit

Site Layout:

The site is composed of a north and south parcel. The north parcel is the R-4 density parcel of 1.94 acres and the south parcel is the R-3 density parcel of 1.68 acres. Each parcel will have an access point onto Morse Avenue and a

second access point onto Tasman Drive. The north parcel will also include an emergency vehicle only egress point near the Tasman/Morse corner.

The project includes distributed open space and parking with building types ranging in size from five to eight units per building. The majority of the Morse frontage has units directed to the street with pedestrian walk up access. The south parcel includes both units facing Tasman and the sides of units of two buildings. The units facing Tasman are accessed by a private walk parallel to the sidewalk rather than as direct walk up units from the sidewalk. The north parcel Tasman frontage has only sides of units of buildings facing the street. Access is provided via private walks through the common area to the units (Site Plan Attachment D).

The project includes three large open space areas. The north parcel includes an 8,600 square foot space bounded by units and private walks on three sides. The south parcel has two separate areas with a middle area of 2,400 square feet and a south area of 2,540 square feet. The applicant has indicated a resident gathering area or BBQ area in the middle open space. Staff has identified the southern most open space area as the most suitable location for a community building if such an amenity were to be required (*see section "Compliance with Development Standards" for complete discussion of a community building alternative*).

The setbacks of the project are varied for each frontage. The project's front yard setback from the streets has three measurable points. The zoning standard minimum setback for the project is measured to the forward most component of the building, the covered porch in this case. This point is a minimum of 11 feet from the property line, while the façade of the building is typically 18 feet back from the property line. Additionally, the ground level wall of the patio varies from 6 to 10 feet from the property line. The applicant has requested a deviation to the front yard setback (the minimum setback is 11 feet to a covered porch). Along the side units of buildings that do not have doors to the street, the units are setback a minimum of nine feet. The applicant has also requested a rear yard deviation for 14 feet to the porch where 20 feet is required.

Stormwater Management: The project's development results in reduction of impervious surface by approximately 10,000 square feet. The site is considered a Group 1 Redevelopment Project and requires complete site stormwater controls. The project provides for a stormwater management plan to detain and treat stormwater runoff on site with primary treatment mechanisms of in-ground mechanical devices and minor amounts of landscape infiltration.

The following Guidelines were considered in the analysis of the project site.

Design Guideline (Site Layout)	Comments
<u>Citywide Design Guidelines</u> <i>Site Design B1. Locate site components such as structures, parking, driveways, walkways, landscaping and open spaces to maximize visual appeal and functional efficiency.</i>	The applicant has appropriately divided parking between the north and south sites as well as open space. Walkways connect the majority of the site to the public sidewalks. The units are proposed with front yard setbacks in attempt to create a pedestrian friendly design and primarily orient the units towards the public street. Trash enclosures are distributed throughout the sites.
<u>Fair Oaks/Tasman Plan Guidelines</u> <i>BD2 Try to maintain a well-defined street edge. BD 4 Provide direct entrances to street-level residential units to support an intimate streetscape.</i>	Walk up townhome entries along Morse and minimum front setbacks define street edges and provide direct access to the elevated front patios and front entrances. Portions of Tasman do not have direct unit entries fronting the street.
<u>Fair Oaks/Tasman Plan Guidelines</u> <i>SL 1 Private streets and driveways within development shall be designed for pedestrian use with sidewalks on a least one side.</i>	A portion of the internal private streets have adjacent sidewalks, the majority do not. The applicant has provided separated walkways connecting the front doors of units to the public street in most cases.

Architecture:

The proposed architecture exhibits a high degree of horizontal relief. The appearance of the buildings is as rowhouses with a varying combination of decorative patio wall with railing, covered porches, and multi-plane façades with first and second floor eaves. The homes also have a variety of means of access to the front door. The units along Morse have direct walk up units that are set up four feet above grade. The units along Tasman have a parallel private sidewalk similar to the Pulte Homes design to east of the site, and units along the common area on the north site will have a flat walk-in access to their patios to meet accessibility unit requirements.

The design is the now typical 2.5 story tuck-under garage style of townhome. The height of the building is expected to be as high as 44 feet as measured from the top of the curb. The site will be graded up in height approximately four feet to remove the south site from the flood zone. The building itself will be 40 feet from the ground level at the garage to the peak of the roof. The hipped roof of the design is an attempt to lessen the appearance of height for the side units near the public streets.

The proposed exterior treatment includes a stucco finish on the building, a patio wall, decorative ironwork for patio wall, foam based corbels, window trim with a stucco finish, and a flat tile roof. The applicant proposes both a mustard yellow or tan color for the majority of the front facade with a lighter

cream colored trim and darker brown or tan for pop outs and accent feature colors. (*Color Boards Attachment D*)

Overall staff believes the design has a high degree of interest and is appropriate for the neighborhood. Staff has a concern with the selection of materials for the finishing of the detailing and accent features. While the basic forms of the building are good, the renderings do not show a use of contrasting materials and accent techniques that the buildings should address as part of the pedestrian detailed design. The need for this attention is amplified by the closeness of the units to the street. Staff specifically is looking for the design to include more decorative styling to some of the columns and to provide bases to the columns, changes of color and texture around the base of the buildings, and specifically the white color caps of the patio walls shall be of solid construction materials that has a smooth texture of stone as compared to moderately rough texture of stucco.

The window designs are very good as represented in renderings, but staff believes the use of foam trim on the ground floor and for the upper window is not appropriate due to issues of durability and the final level of craftsmanship and texture. The alternative choices to standard foam bases include the use of traditional wood elements or potentially cement fiber headers to provide that defined edge to the trim and change of texture, this is an example of some alternatives.

The applicant has provided pedestrian level design features and attempted to front units on to the street to help define the street edge. However, the Tasman frontage has a number of side unit walls facing this roadway. Staff has included a condition to continue to include elements of interest for these façades and to provide additional treatments of color or materials that tie into the front patio details of the units.

The applicant is proposing an eight-foot wood good neighbor fence along the perimeter of the site between it and adjoining sites. The project also includes a decorative 3-foot front yard fence along the Morse Avenue frontage. This fence's design is proposed as a solid CMU block construction with a stucco finish. Staff has included a condition to consider a more open design detail for the front yard fence design for a softer edge along the sidewalk.

The following Guidelines were considered in the analysis of the project architecture.

Name of Guidelines	Comments
<u>Citywide Design Guidelines</u> <i>Bldg. Design B1. Break up large buildings into groups of smaller segments whenever possible to appear smaller in mass and bulk.</i>	The buildings are categorized as 5-8 units per building, the design defines the edges of the streets. The design includes multiple elements of relief to address massing and bulk. There is limited individual identity to the units which maintains a congruent design theme for the buildings. The units are primarily defined by individual porches, doorways, and windows.
<i>Bldg. Design C1.2.2 Encourage development of diversified building forms and intensities.</i>	The design has a hipped roof similar to the new townhomes to the east, but has an overall lower height and different unit detailing and articulation. The intensity of the project is similar to other townhome developments in the area.
<i>Bldg. Design C3. Develop a comprehensive architectural theme for multi-building complexes. Unify various site components through use of similar design, material and color.</i>	The applicant proposes the use of two color schemes based on mustard yellow and tan colors. The trim elements are a consistent color and style. Staff requests a bolder color scheme as a condition of approval. Staff has included conditions of approval addressing the need to add contrasting textures and additional details to the design elements of the porches and walls.

Landscaping:

The site has significantly sized street trees along Tasman and the north site Morse frontage. The intent of the plan is to preserve these trees to the maximum extent feasible while providing for site access and sidewalks. To provide for a required sidewalk along the north site's Tasman and Morse frontage the sidewalks will attempt to meander through the trees along Morse and along Tasman. The roadway will be narrowed and a median installed to allow for the new sidewalk to be placed within the existing curb line. The improvement is similar to a traffic calming improvement. The trees along the south parcel's Morse frontage are not high quality specimens and will be displaced for the new ten-foot sidewalk required along Morse.

The site has 92 trees on the site of which 52 meet the definition of a protected tree. Protected trees are defined as those that measure 38 inches or greater in circumference. Due to the location of the trees in conflict with new development footprints and their general fair condition most trees are to be replaced. Twelve trees are scheduled to be retained at this time, primarily the Evergreen Ash street trees. Staff has supported this request for tree removal,

including the perimeter trees, due to their current condition as well as the impacts on the new project's livability and design. Some of the trees are not appropriate for the smaller usable spaces created with the townhomes, such as the overhanging of the patios and porches. The other issue is the elevation of the trees and the need to grade up the site to bring the area out of the flood zone. The grading is detrimental to the well-being of the trees which would induce decline after the project was built if not removed for the new construction. The applicant is required by conditions of approval to provide specimen-sized trees for replacements within the final landscape plan for each displaced protected tree.

The usable open space for the project is provided in three concentrated open landscaped areas combined with the patio areas for each unit. The walkway areas along the north, east, and south property lines also contribute to the usable space. As mentioned in the landscaping section some trees that are of significant size are scheduled for removal due to their proximity and overhang of the patios, specifically along the north property line. These areas will have the most difficulty in providing a comfortable setting due to lack of solar exposure and somewhat confined space near the parking lot of the Hindu Temple. Conditions of approval require the final landscape plan to take the issues of screening needs, lighting, and size into consideration for selection of tree species.

Within the three larger usable spaces the applicant has provided a gathering/BBQ area within the middle area of the southern site. The other areas include open turf area to the north and a contemplative and decorative walking and sitting area in the southernmost area. No community building or other amenity is proposed within the project. If a community building were to be included in the project it would most likely be located in the southern most area where the decorative sitting and walking path are now proposed (*see section "Compliance with Development Standards" for complete discussion of a community building alternative*).

The following Guidelines were considered in the analysis of the project landscaping.

Name of Guidelines	Comments
<u>Citywide Design Guidelines</u> <i>Landscaping A4 Properly landscape all areas not covered by structures, driveways and parking.</i>	Proposed landscaping provides a buffer to adjacent uses, open usable space, and acts as a stormwater BMP. The applicant has decorative concrete designs included at the driveways as well.
<i>A2 Preserve and incorporate existing natural features, particularly trees, on a site into the landscape design of projects.</i>	The majority of the significant street trees are able to be retained with the proposed design, the remainder of the site will remove most other trees due to their condition, conflict with the buildings, or inappropriate species for the townhome development landscape spaces.

Name of Guidelines	Comments
<i>Site Design B1. Locate site components such as structures, parking, driveways, walkways, landscaping and open spaces to maximize visual appeal and functional efficiency.</i>	The landscaping is functional with three large areas, including the proposed gathering/BBQ area for the middle open area. The landscaping provides attractive screening from adjoining industrial uses and creates additional appeal from the street. Staff has reviewed opportunities to include a community building in the design which would likely result in the replacement of open landscaped spaced to accommodate the facility.

Parking/Circulation:

Each site has two access points for vehicular access. The north site includes a second emergency egress point near the Tasman/Morse corner. The project includes the construction of new sidewalks along the frontage of the site. The sidewalk routing takes into account the street trees along Tasman Drive and Morse Avenue. The project includes multiple pedestrian connections from the site to the sidewalks. The one exception would be for the northern most row of units where the sidewalk ends near the eastern row of parking. A person at that point would be required to walk through the roadway or over to the common area to a separate walkway to connect to the street. Such a path is not likely to be used due to the inconvenience.

Staff has not required the applicant to extend the walkway along the eastern property line due to the difficulty of the applicant to meet the parking lot shading requirements and the few number of units served by such a walkway. Extending the walkway along the east property line to Tasman would likely result in a deviation to the 50% shading requirement. However, the adopted Tasman/Fair Oaks Area Pedestrian and Bicycle Circulation Plan would indicate such a connection should be made as a design guideline. If the Planning Commission chooses to include such a condition, staff would review opportunity for locating the path and providing tree shading as practicable but could not guarantee the full parking lot shading coverage requirement of being met.

South Site Connections

The south site abuts a property to the east that is also expected to redevelop in the near future. In an effort to assist site planning efforts for the abutting parcel, staff is interested in preserving an emergency vehicle cross-access agreement through the subject south site. This easement would allow for an emergency vehicle to have an alternate egress point from both the subject site and the potential future redevelopment. The connection would be through to Morse Avenue only. The applicant is concerned about the timing and improvements required to satisfy such a condition. The other issue is the significant grade change at the property line of the two sites and difficulty of satisfying design requirements if the properties develop at two different times. Staff is proposing a condition that the applicant record a reciprocal emergency

and service vehicle cross-access easement benefiting the property to the east. The subsequent project to the east would then be required, as condition of approval of their development permit, to also grant such an easement and connect the private drives when the eastern site develops. It is possible that the configuration on the abutting site would not allow for or require the emergency through-access and staff recommends allowing the Director of Community Development the ability to eliminate the requirement if deemed unnecessary.

The second issue for the property to the east also relates to its likely near-term redevelopment. If a site design is proposed that has townhomes facing the subject site urban design principles suggest that the wall between the uses with two separate walkways is not an appropriate use of space nor does it contribute to a neighborhood. Therefore, staff is also recommending a condition that the applicant grant an access easement for pedestrians over their proposed south site walkway to allow for adjacent development to utilize this walkway to access their units. The implication of this requirement are that the wall in between the properties would need to be removed in the future, grading of the two sites would need to be similar, and there are issues of liability for the future Homeowners Association that concern the applicant.

Staff has included a condition that the improvements be coordinated with the adjacent development and appropriate pedestrian ingress and egress easement provided as part of this project. In the event that the abutting property does not develop in the same time frame as the subject parcel the applicant would provide the proposed improvements including the fence, but provide an instrument to allow for the adjacent development to remove and rebuild those facilities as needed to meet the intent of this condition. Staff recommends providing the Director of Community Development authority to waive this condition due to impracticability or if it is deemed unnecessary.

Name of Guidelines	Comments
<u>Fair Oaks/Tasman Plan Guidelines</u> <i>SL 3 Discourage the creation of isolated/walled complexes</i>	Staff recommends allowing for future connections to the south site's abutting eastern property due to potential near term redevelopment potential.

Compliance with Development Standards/Guidelines:

The applicant requests deviations related to building height and stories, distance between buildings, front and rear yard setbacks, lot coverage, frontage strip and lot dimensions. The proposed deviations to setbacks are intended to promote a more pedestrian scaled design and are encouraged by the Fair Oaks and Tasman Bicycle and Pedestrian Plan. The justifications for the deviations are primarily related to the creation of ownership housing, pedestrian design considerations, and an attempt to maximize the number of townhomes on the sites. Although the project exceeds minimum zoning density standards; it is below the 75% of maximum density policy at approximately 66% of maximum density. The applicant was not able to aggregate additional R-4 property and did not find it economically feasible to construct underground parking on the northern R-4 density site to provide for an alternative high-density product

type. The VTA has sent a letter asking for the city to consider higher densities of 45 units per acre for the project area due to the sites' location near the light rail station at Fair Oaks (Attachment H). Such a density would require a zone change for the southern site and completely different project design.

As currently configured, the applicant would not be able to add additional townhome units to the project to move closer to 75% density policy without likely deviations to open space and parking. The most likely location for additional units would be the southern most open space area where two additional units could be located with additional deviations. Staff is not recommending the project provide additional units and finds the proposed design and layout as acceptable.

Community Room Alternative

The City of Sunnyvale has initiated a Study Issue for review of common facility requirements within multifamily development. The study is intended to address the need for common community buildings and general design parameters for such building, if required. The Study Issue is scheduled for consideration early in 2006. At this time the issue is addressed on a case-by-case basis and is guided by the Land Use and Transportation Element and the Community Design Sub-Element policies reflecting the need for appropriate amenity facilities to be provided on site.

This project may merit a closer review of potentially including a community building due to the number of units in the project and as an opportunity to provide for greater degree of connectivity for the two sites. The downside of including the community room in this situation is either the need for a deviation to usable open space, due to construction of enclosed space where landscaped space currently exists, or a reduction in the total number of housing units to accommodate the new structure without additional deviations. The Homeowners Association would have an additional obligation of maintenance and reserves required for the building. Staff can not quantify the impact to monthly dues at this time.

In review of the site plan the best location for a facility is in the southern open space area. Reorganizing the center open space and the parking adjacent to the current southern open space would create an area for an amenity building. The reconfigured space could provide for a community building of 900 square feet with two bathrooms, kitchenette with sinks and cabinets and open floor area that could seat 28 persons or more depending the seating pattern. The guest parking for the south site would be centralized and a smaller landscaped space would be provided in the middle area of the south site. Creating the common building would provide a destination or connection between north side of the project with its large common usable landscape space and the south side as the enclosed community facility.

In summary, the site could accommodate a building in the range of up to 900 square feet provided that a deviation to open space was granted rather than the

loss of housing units. The building would provide a defined amenity contributing to the connectivity of the sites. However, there are different policy implications in regards to the site design and potential deviations to open space by adding another building. In the absence of a specific policy that identifies minimum project size and facility size, staff is not recommending community building for this subject site.

Transportation Guidelines

The proposed project is subject to two sets of design policies relating to transportation. The first is the *Tasman and Fair Oaks Area Pedestrian and Bicycle Circulation Plan* and the second is the recently adopted Transportation Demand Management site design policy for areas near major transit stops. The Tasman/Fair Oaks plan is geared towards creating a pedestrian environment that promotes usage of alternative transportation, bus, light rail, walking, or bicycling. The subject site has bicycle lanes along its frontage, a bus stop at the Tasman/Morse corner, and is ¼ of a mile from the light rail stop; however, only a portion of the site has existing sidewalks.

The applicant's project includes improved sidewalk circulation by constructing sidewalks along all of its frontages. The design also includes an enhanced pedestrian crossing at the Tasman/Morse per the Tasman/Fair Oaks plan (*Attachment E*). Due to the existence of large mature street trees the sidewalks will be at the standard city specification of five feet along Tasman and north Morse frontage. The five-foot sidewalks will be widened in areas that do not impact the existing mature trees to more closely align with the plans guidelines for wider sidewalks. On the south site's Morse frontage, the sidewalk will be constructed as a ten-foot sidewalk consistent with the guidelines of the Plan and the recent Sobrato apartment development design.

Due to the site proximity to transit the applicant is required to implement on-site TDM features. The project is in conformance with the design requirements and is required to provide for an informational kiosk/information display. Per the Tasman/Fair Oaks Plan this display may be part of the "sense of place" improvements in the right-of-way or can be implemented as an on site feature. The display would normally be near the mailboxes or in another high pedestrian traffic area to create awareness of alternative transportation for the residents. The "sense of place" improvement will most likely occur with the redevelopment of the parcel to the south of the site.

Expected Impact on the Surroundings:

The area surrounding this site is designated as ITR (Industrial to Residential) with a mobile home park to the west. As an area transitioning to residential the current interim development pattern is disjointed throughout the area due to parcelization and individual property owner's discretion on pursuing residential development or maintaining an industrial use. This creates potential conflicts for ongoing industrial uses with new residents. A deed declaration within the CC&R disclosing abutting industrial uses is included as a condition of approval.

The impacts to the project residents are the potential for more vehicle traffic or truck traffic, potential noise, and other impacts from business operations as compared to a homogenous residential neighborhood. Through the Initial Study for CEQA review of this project and the Futures EIR of the early 1990s, no hazardous material problems were identified on the subject site or in relation to the adjacent industrial operations. This transition is consistent with the intent of the Futures study and specifically the existing ITR zoning.

An additional impact on the surrounding neighborhood relates to availability of recreational facilities. The site 1/3 mile to the south of the subject sites is owned by the City and planned to be a future 5-acre park. However, the park is currently listed as an unfunded capital project and does not have a targeted improvement date. Including the proposed project, existing residents, and projects under construction in the area, the need for the park is increasing and City shall monitor the situation for appropriate action in the future to provide needed park services for the neighborhood planning area. At this time the neighborhood residents have access to the John W. Christian Greenway and Orchard Gardens Park, with connecting access to Lakewood Park to the east of the area. The proposed project is subject to park in lieu fees to support the development of additional park facilities.

Tentative Map

The project includes 11 lots and two common lots for the private streets and landscape areas. The 11 lots will have condominium units created for the townhomes. Due to the condominium ownership pattern lot size deviations are not an issue. The project is required to provide street frontage improvements, including sidewalks, luminaries and street trees. No additional right-of-way is required for the improvements. A Home Owners Association is required for the ongoing maintenance and operation of the development.

Fiscal Impact

The project will contribute park in lieu fees to the City in the amount of \$388,119.60. This fee will be collected prior to the time of final map approval. The project will have a slight net increase in traffic per the Transportation Strategic Program and will have an estimated fee of \$8,959.01 for 72 units. Payment of traffic fees is due prior to issuance of building permits for construction of individual units.

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

The applicant did not hold a neighborhood meeting. Staff received two phone inquiries on the details of the project and mailed site plans to one interested individual that lives in the mobile home park. No written comments or objections have been submitted prior to the writing of this staff report.

Planning Commission Study Session:

The Planning Commission had the opportunity to review the plans at a Study Session on August 8th. The Commissioners discussed the general architectural style, colors, deviations, design features, tree preservation, sidewalks, and Tasman right-of-way improvements. At that time the issue of density and the 75% of maximum policy was considered acceptable due to the site's constraints. The foremost issue in the discussion was design of the Tasman Morse corner. A related issue was how the two sites would have a sense of connectivity or community while separated by Tasman Drive. The applicant has provided a drawing for the right-of-way and sidewalk routing (Attachment E). Staff discussed crossing options and considers the enhanced corner crossing as the solution to providing safe connectivity between the sites. The design is in accordance with Transportation Division guidance on the design requirements. Staff has discussed including a community building to heighten the degree of connectivity between the sites.

Public Notice	Staff Report	Agenda
<ul style="list-style-type: none"> Published in the <i>Sun</i> newspaper Posted on the site 250 notices mailed to the property owners and residents within 300 ft. of the project site 	<ul style="list-style-type: none"> Posted on the City of Sunnyvale's Website Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> Posted on the City's official notice bulletin board City of Sunnyvale's Website Recorded for SunDial

Alternatives

1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1

Prepared by:

Kelly Diekmann
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Tasman Morse Corner Improvements
- F. Applicant letter
- G. Applicant project description excerpts and justifications
- H. Letter from VTA

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the proposed project provides 72 additional housing units including 9 BMR units and eases the City's jobs/housing imbalance with the additional housing and replacement of employment producing land uses. The design is appropriate for providing compatible transition of use and a high quality living environment for its future residents. The project site is part of the Futures 7 Industrial to Residential conversion area which intends for the proposed type of residential use.

Land Use and Transportation Element

Action Statement N1.4.2 Site higher density residential development in areas to provide transitions between dissimilar neighborhoods and where impacts on adjacent land uses and transportation system are minimal.

Action Statement R.1.7.2 Support regional efforts which promote higher densities near major transit and travel facilities, without increasing the overall density of land usage.

Policy C2.2 Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.

Housing and Community Revitalization Sub-Element

Policy C.1 Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.

Goal D Maintain diversity in tenure, type, size and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

The proposed project will complement existing residential development west of the site and is an appropriate use adjacent to the Hindu Temple. Staff has also included conditions addressing redevelopment potential of the south site's abutting parcel to the east to assist in its redevelopment. The design of the project addresses compatibility and screening of the abutting industrial uses during the interim prior to their redevelopment to housing. The proposed project supports the redevelopment of the area as designated for the ITR area.

Recommended Findings - Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Recommended Conditions of Approval - Special Development Permit /Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Execute a Special Development Permit document prior to issuance of the building permit.
- B. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is approved prior to the expiration date.
- C. Reproduce the conditions of approval on the plans submitted for building permits.
- D. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at a public hearing before the Planning Commission. Minor modifications shall be approved by the Director of Community Development.
- E. Specific deviations allowed with this Special Development Permit are as follows:
 - a. Minimum lot size of for condominium purposes.
 - b. Parcels without public street frontage
 - c. Maximum height of 2.5 stories and 44 feet as measured from top of curb.
 - d. Average front yard setback of 8 feet along Tasman for side units, and a minimum of 10 feet to porches for front facing units.
 - e. Minimum distance between buildings of 15 feet.
 - f. Frontage width of 10 feet.
 - g. Lot coverage of 49%
 - h. One Unit 170 feet from nearest trash enclosure
- F. An Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
- G. A third party certified stormwater plan shall be submitted at the time of submittal for building permits. The plan is subject to approval by the Director of Community Development. The building permit improvement, landscape, and grading plans shall include a statement of no conflict

from the certified stormwater engineer in accordance with an approved stormwater management plan.

2. ENVIRONMENTAL MITIGATION MEASURES

- A. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts:

MITIGATION MEASURE #1: Mechanical ventilation systems are required for all units in the project to allow for each unit to be able to achieve the 45 db minimum interior noise level with closed windows. The ventilation system details and location is to be included on plans submitted for building permit issuance.

- B. Units with windows within 50 feet of the edge of a roadway shall include STC rated windows for the windows with direct exposure or side exposure to the Tasman Drive and Morse Avenue, as well as units along the north property line closest to Highway 237. The recommended rating is a minimum of STC 29 or an alternative means of equivalent effectiveness may be proposed. The window types shall be noted on the building permit plans for window schedules and on site plan notes for areas requiring rated windows.

3. BMR (BELOW MARKET RATE UNITS)

- A. Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.
- B. The project will provide 12.5% (9) Below Market Rate ownership dwelling units in compliance with SMC 19.66.
- C. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines)
- D. Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The sale price of the BMR units is established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)
- E. All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c))
- F. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)

- G. BMR Ownership Program - Developer and Buyer to execute “Addendum to Purchase Offer” prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)
- H. Ownership Units - Prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.
- I. The original sale price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c))
- J. Below Market Rate dwelling units shall be offered for sale only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines. (BMR Rental Units / BMR Ownership Program)
- K. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.
- L. In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140)
- M. In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines)

4. CC&R's (CONDITIONS, COVENANTS AND RESTRICTIONS)

- A. Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney.
- B. Prior to approval of the final map the applicant shall prepare a deed declaration disclosing potential impacts from the adjoining industrial uses. The statement shall identify the uses are permitted to operate in perpetuity and associated impacts may include noise, truck traffic, night lighting, etc. The deed restriction language shall be submitted to the Director of Community Development and City Attorney for review and approval.
- C. The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to approval by the City Attorney and Director of Community Development prior to approval of the Final Map. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:

- D. Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- E. The homeowners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- F. The developer shall maintain all utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a homeowners association, following sale of at least 75% of the units, whichever comes first.
- G. The Conditions of Approval of this 2005-0625 Permit shall be included in the CC&Rs.
- H. The CC&Rs shall contain the following language:
 - 1. "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each Lot in the Project.
 - 2. It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
 - 3. It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
 - 4. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to

maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.

5. No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
6. Third-Party Beneficiary. The rights of the City of Sunnyvale pursuant to this Article will be the rights of an intended third party beneficiary of a contract, as provided in Section 1559 of the California Civil Code, except that there will be no right of Declarant, the Association, or any Owner(s) to rescind the contract involved so as to defeat such rights of the City of Sunnyvale.
7. Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property."
8. Homeowners are prohibited from modifying drainage facilities and/or flow patterns without first obtaining permission from the City.
- I. There shall be provisions for post construction Best Management Practices in the CC&R's in regards to the final stormwater management plan and ongoing maintenance and reporting requirements.
- J. The Homeowners Association shall be required to maintain and keep up to date transit information and rideshare information for display in an on site kiosk. The display shall include current VTA transit map, Caltrain station map, contact info websites and phone # for Caltrain, VTA, www.511.org, etc. A waiver of this condition can be requested by the applicant or homeowners association if "sense of place" improvements are provided adjacent to the site in accordance with the Fair Oaks/Tasman Plan.

5. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. The plans shall be revised to be consistent with the Design Guidelines and development standards to provide the following:
 1. The site plan shall indicate the location of mailboxes and transportation information display/kiosk. Provide detail on display design.
 2. End units facing the public street shall continue include additional treatments that tie into the design features of the front façade through color or materials.
 3. The Caps to the stairwells and patio walls shall be of solid construction material and include a smooth finish in contrast to the surrounding stucco finishes.

4. Additional detailing shall be adding to the columns and entryways of the units, including potentially defined bases to columns and accent elements for covered entries.
 5. Foam trim shall be restricted in use to accent elements not traditionally used as wood or other finishes. Any foam base approved for use shall be of high density for durability. The final finish of foam-based elements shall provide for high level of craftsmanship in edging and detailing along with contrasting texture to identify a change of materials from the stucco wall finish.
- B. Roof material shall be 50-year warranty flat tile as indicated on the plans.
 - C. Provide a decorative emergency vehicle egress on the north site near the corner of Tasman and Morse.
 - D. Provide fire access roads with a minimum width of 20 feet and a minimum inside turning radius of 30 feet. (MC 15.52.190)

6. EXTERIOR EQUIPMENT

- A. Individual air conditioning units shall be screened with architecture or landscaping features.

7. FEES

- A. Pay traffic impact fee in place at time of issuance of building permits, estimated at \$8,959.01 for 72 units.

8. FENCES

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. The front yard fencing along the public streets shall have an open design accentuated by columns with a appropriate spacing to distinguish the edge of the property but at the same time maintain a soft edge for pedestrians. Final fence materials may be solid CMU block with stucco or wood fencing upon approval by the Director of Community Development.
- C. Wherever there is a grade differential greater than 12 inches, a concrete or masonry retaining wall shall be installed. Such a wall shall not be designed to infringe on the root system of protected trees on adjoining properties.

9. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit.
- B. Landscaping and irrigation shall be installed prior to occupancy.
- C. Provide a detailed common open space amenity plan subject to the approval by the Director of Community Development.

- D. Include decorative paving at driveway entries as indicated on the landscape plan. Pedestrian crossings of the internal private streets shall also include enhancements to denote such a crossing.
- E. Provide separate meter for domestic and irrigation water systems.
- F. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- G. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- H. Landscaping along the north boundary of the shall take into account limited solar access, need for screening from the adjacent parking lot, and the confined space between the property line and the units.
- I. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size. This requirement is in addition to tree planting requirements for the removal of protected trees.
- J. Any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size. The specimen trees are to be of a large species.
- K. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- L. Landscaping shall be included around parking areas in an attempt to obscure their appearance.
- M. All areas not required for parking, driveways or structures shall be landscaped.

10. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, include the approved tree protection plan in the plan set.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

11. LIGHTING

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:

- B. High pressure Sodium vapor or other illumination with an equivalent energy efficiency shall be included in the common areas.
- C. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall be of a pedestrian scale and are not to exceed 14 feet as measured from the ground to top of standard. Bollards may be utilized throughout the site for lighting.
- D. Provide photocells for on/off control of all security and area lights.
- E. All exterior security lights shall be equipped with vandal resistant covers.
- F. Lights shall have shields to prevent glare onto adjacent residential properties and to the internal townhomes
- G. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.

12. PARKING

- A. All uncovered spaces shall be reserved as guest parking spaces and shall be so designated prior to occupancy.
- B. No uncovered parking space shall be offered for rent by the property owners or homeowners association.
- C. Garage spaces shall be maintained at all times so as to allow parking of two automobiles.
- D. Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.
- E. Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises.

13. BICYCLE PARKING

- A. Provide a minimum of 5 guest parking spaces of Class II per VTA Bicycle Technical Guidelines as approved by the Director of Community Development.

14. RECYCLING AND SOLID WASTE

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The required solid waste and recycling enclosure shall match the design, materials and color of the main building and is subject to review and approval by the Director of Community Development.

- D. The enclosure shall be of masonry construction. The design shall include decorative tops to shield view from upper floors of nearby housing units.

15. UNDERGROUND UTILITIES

- A. All proposed utilities shall be undergrounded.

16. TENTATIVE MAP CONDITIONS

- A. Record a reciprocal access easement for emergency vehicle and service vehicle ingress and egress between the subject site (southern parcel) and the adjacent property to the east.
- a. Easement shall be along the private drive from the Morse Avenue entrance to driveway end that terminates at the east property line.
 - b. Final language for the easement is subject to review and approval by the Director of Community Development and City Attorney.
 - c. The improvement plans for the subject property shall accommodate designing the private street for future connections and allow within the easement description for the ability of the adjacent property developer to complete site improvement to finalize the linkage.
 - d. The City of Sunnyvale will require the granting of a similar cross access easement and improvements for the adjacent parcel to the east at the time the property is proposed for residential development.
- B. Record a 10-foot wide cross access landscaping and walkway easement along the east property line to provide access for future residential development to the east.
- a. A similar easement will be required of the property to the east. Improvement plans for the sidewalk and fencing shall be designed to accommodate shared pedestrian access of the sidewalk and no fence between the units. Costs of design and construction of landscaping and walkway shall be shared between the two properties.
 - b. If the subject property receives occupancy approval prior to action on a Special Development Permit for the abutting eastern property, a walkway and fence separating the properties may be installed on the subject property. In such an event, it then becomes the responsibility of the adjacent developer to design and construct a shared walkway within the easement areas of the two properties. Adjacent developer will be responsible for all expenses to remove unneeded features and to repair any features modified or damaged as a result of the construction activity. Final design of such area is subject to approval of the Director of Community Development with input from the owners or Homeowners' Association (if formed) of this subject property.
 - c. The language for the walkway and landscaping easement is subject to review and approval by the Director of Community Development and City Attorney.

- C. Full development fees shall be paid for each project parcel or lot shown on Final Tract Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.
- D. Comply with all applicable code requirements as noted in the Standard Development Requirements.
- E. All existing utility lines and /or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
- F. Individual utility service metering shall be provided to each unit.
- G. Obtain necessary permits from the Department of Public Works for all off-site improvements including utility line extensions, utility connections, meter locations, driveways, sidewalks, etc.
- H. Pay Park In-lieu fees of \$388,119.60 (\$5,390.55/unit) for 72 units, prior to approval of the Final Map. (SMC 18.10)
- I. Dedicate private streets as emergency vehicle ingress-egress easements.
- J. Private street names will be provided per the City of Sunnyvale Street Name System, as selected by the Community Development Department.
- K. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.
- L. Provide bus stop improvements per VTA recommendations with final approval by the Public Works Transportation Division.
- M. Construct new sidewalk, curb, and gutter along with the narrowing of Tasman Drive.
 - a. Street frontage improvements require 10-foot sidewalk along Morse for the south site. The Morse Avenue north site shall include at a minimum a five-foot sidewalk meandering through the existing street trees, at opportunities to widen the sidewalk between trees it shall be widen up to a total width of 10 feet. The south site Tasman frontage shall include 10-foot sidewalk improvement where practical with a minimum of five feet in areas to avoid damaging trees. The north site Tasman frontage shall include the narrowing of Tasman Drive for a minimum sidewalk improvement of five feet
 - b. The applicant shall provide Tasman/Morse pedestrian crossing and median improvements as part of the Tasman roadway narrowing and per the Tasman/Fair Oaks Plan. The final details are to be per the standards of the Transportation Division.

c. Luminaries and street tree grates are to be installed per design standards of the Fair Oaks and Tasman Pedestrian and Bicycle Circulation Plan.

d. Luminaries shall include an internal louver around the bulb or equivalent feature to direct lighting downwards. This detail shall be indicated on improvement plans.